

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

REED C. DEMPSEY,

Plaintiff

v.

BUCKNELL UNIVERSITY, et al.,

Defendants.

CIVIL ACTION NO. 4:11-CV-1679

(BRANN, J.)
(MEHALCHICK, M.J.)

ORDER

AND NOW, this 7th day of October, 2013, the Court having been requested by the parties to review certain documents *in camera* and resolve the Plaintiff's objections to production of said documents on attorney-client privilege and work-product protection grounds (Doc. 57; Doc. 59; Doc. 66; Doc. 70), it is hereby **ORDERED** that:

1. The Plaintiff's objections are **SUSTAINED** with respect to
 - a. Documents No. 1, 6, 7, 8, 9, 10, 13, 17, 18, 20, 26, 30, 32, 36, 38, 41, 43, 44, 46, 50, 52, 53, 54, 55, 56, 59, 67, and 68,
 - b. those parts of Document No. 71 **listed** on Attachment A to this Order,
 - c. those parts of Document No. 72 **listed** on Attachment B to this Order, and
 - d. those parts of Document No. 73 **not listed** on Attachment C to this Order;
2. The Plaintiff's objections are **OVERRULED** with respect to
 - a. Documents No. 21, 22, and 69,
 - b. those parts of Document No. 71 **not listed** on Attachment A to this Order,
 - c. those parts of Document No. 72 **not listed** on Attachment B to this Order, and
 - d. those parts of Document No. 73 **listed** on Attachment C to this Order; and

3. Within **seven (7) days** of the date of this Order, the Plaintiff shall produce to the Defendants copies of all materials as to which objections have been overruled.

BY THE COURT:

s/ Karoline Mehalchick

KAROLINE MEHALCHICK
United States Magistrate Judge

Attachment A

Privileged/Protected E-mail Messages from Document No. 71

Objections to these items are **SUSTAINED** and the following are not subject to production.

<u>Author</u>	<u>Recipients</u>	<u>Date</u>	<u>Time</u>	<u>Privilege</u>
Jameson Dempsey	John Dempsey	9/8/2010	12:24:40 a.m.	work product
John Dempsey	Jameson Dempsey	9/8/2010	9:39:13 a.m.	work product
Jameson Dempsey	John Dempsey	9/8/2010	10:01:09 a.m.	work product
John Dempsey	Jameson Dempsey	9/8/2010	10:02:20 a.m.	work product
Jameson Dempsey	John Dempsey	9/8/2010	10:03:27 a.m.	work product
Jameson Dempsey	John Dempsey	9/8/2010	2:53:34 p.m.	work product
Jameson Dempsey	John Dempsey	9/14/2010	10:01:44 a.m.	work product
John Dempsey	Jameson Dempsey	9/14/2010	10:06:44 a.m.	work product
Jameson Dempsey	John Dempsey	9/15/2010	7:48:19 p.m.	work product
John Dempsey	Jameson Dempsey	9/17/2010	3:50:19 a.m.	work product
John Dempsey	Jameson Dempsey	9/17/2010	3:54:08 a.m.	work product
John Dempsey	Jameson Dempsey	9/17/2010	7:23:25 a.m.	work product
Jameson Dempsey	John Dempsey	9/17/2010	10:24:13 a.m.	work product
Shelley Dempsey	John Dempsey	9/22/2010	8:13:05 a.m.	work product
John Dempsey	Shelley Dempsey	9/28/2010	10:29:12 p.m.	work product
Shelley Dempsey	John Dempsey	9/29/2010	4:05:42 p.m.	work product
John Dempsey	Shelley Dempsey, Reed Dempsey	10/4/2010	6:59:33 a.m.	attorney-client/work-product
John Dempsey	Shelley Dempsey, Reed Dempsey	10/4/2010	11:23:39 a.m.	attorney-client
Shelley Dempsey	John Dempsey	10/6/2010	1:12:58 a.m.	work product
Reed Dempsey	John Dempsey	10/7/2010	12:46:19 a.m.	attorney-client/work-product
Shelley Dempsey	John Dempsey	10/12/2010	11:22:34 a.m.	work product
Shelley Dempsey	John Dempsey	10/26/2010	5:54:56 p.m.	work product
Shelley Dempsey	John Dempsey	10/26/2010	6:01:33 p.m.	work product
Shelley Dempsey	John Dempsey	10/26/2010	6:01:58 p.m.	work product
Shelley Dempsey	John Dempsey	10/26/2010	6:02:34 p.m.	work product
Shelley Dempsey	John Dempsey	10/26/2010	8:31:30 p.m.	work product
John Dempsey	Shelley Dempsey, Reed Dempsey, Jameson Dempsey	10/27/2010	1:25:14 a.m.	work product
Jameson Dempsey	John Dempsey	10/27/2010	8:00:18 a.m.	work product

<u>Author</u>	<u>Recipients</u>	<u>Date</u>	<u>Time</u>	<u>Privilege</u>
John Dempsey	Jameson Dempsey	10/27/2010	8:57:11 a.m.	work product
Shelley Dempsey	John Dempsey	10/27/2010	9:27:31 a.m.	work product
John Dempsey	Shelley Dempsey	10/27/2010	9:56:00 a.m.	work product
Shelley Dempsey	John Dempsey	10/27/2010	10:00:16 a.m.	work product
Shelley Dempsey	John Dempsey	10/27/2010	10:30:41 a.m.	work product
Reed Dempsey	John Dempsey, Shelley Dempsey, Jameson Dempsey	10/27/2010	11:48:40 a.m.	work product
Shelley Dempsey	John Dempsey	10/27/2010	12:00:54 p.m.	attorney-client/work-product
Shelley Dempsey	John Dempsey	10/27/2010	12:01:55 p.m.	work product
Jameson Dempsey	Reed Dempsey, John Dempsey, Shelley Dempsey	10/27/2010	1:07:39 p.m.	work product
Shelley Dempsey	John Dempsey, Jameson Dempsey	10/28/2010	11:00:00 a.m.	work product
John Dempsey	Shelley Dempsey, Jameson Dempsey	10/28/2010	11:06:01 a.m.	work product
John Dempsey	Shelley Dempsey	10/28/2010	3:07:10 p.m.	work product
Shelley Dempsey	John Dempsey	10/28/2010	5:39:18 p.m.	work product
John Dempsey	Shelley Dempsey	10/28/2010	6:10:24 p.m.	work product
John Dempsey	Reed Dempsey	11/2/2010	12:17:58 a.m.	attorney-client/work-product
Jameson Dempsey	John Dempsey	11/28/2010	10:05:19 a.m.	work product
John Dempsey	Jameson Dempsey	11/28/2010	10:10:15 a.m.	work product
Jameson Dempsey	John Dempsey	11/28/2010	10:51:31 a.m.	work product
Jameson Dempsey	John Dempsey	11/28/2010	10:54:01 a.m.	work product
John Dempsey	Jameson Dempsey	11/28/2010	6:35:10 p.m.	work product
Jameson Dempsey	John Dempsey	11/28/2010	6:40:49 p.m.	work product
John Dempsey	Jameson Dempsey	11/28/2010	6:46:34 p.m.	work product
Jameson Dempsey	John Dempsey	11/28/2010	7:04:26 p.m.	work product
Shelley Dempsey	John Dempsey	11/28/2010	7:23:34 p.m.	attorney-client/work product

Attachment B

Privileged/Protected E-mail Messages from Document No. 72

Objections to these items are **SUSTAINED** and the following are not subject to production.

<u>Author</u>	<u>Recipients</u>	<u>Date</u>	<u>Time</u>	<u>Privilege</u>
Chris Giovino	John Dempsey	9/17/2010	9:35:29 p.m.	attorney-client/work product
John Dempsey	Chris Giovino	9/18/2010	8:43:23 a.m.	attorney-client/work product

Attachment C

Non-Privileged E-mail Messages from Document No. 73 to be Produced to Defendants

Objections to these items are **OVERRULED** and the following must be produced in accordance with this Court's Order.

<u>Author</u>	<u>Recipients</u>	<u>Date</u>	<u>Time</u>
Reed Dempsey	Stephen Becker, John Dempsey, Ted Simon	9/10/2010	6:13:43 p.m.
Reed Dempsey	Kari Conrad, Stephen Becker, John Dempsey	9/10/2010	7:22:07 p.m.
John Dempsey	Gay Huey Evans	9/14/2010	3:38:24 a.m.
Gay Huey Evans	John Dempsey	9/14/2010	5:00 a.m.
John Dempsey	Gay Huey Evans	9/14/2010	1:39:17 p.m.
Gay Huey Evans	John Dempsey	9/14/2010	9:34 a.m.
John Dempsey	Shelley Dempsey, Jameson Dempsey	9/17/2010	5:46:57 p.m.
Stephen Becker	Reed Dempsey, Ted Simon, Martin Ligare, John Dempsey	9/23/2010	3:10:54 p.m.
Stephen Becker	Ted Simon, Reed Dempsey, John Dempsey, Martin Ligare	9/28/2010	5:32:27 p.m.
Stephen Becker	Kari Conrad, Reed Dempsey, Martin Ligare	9/29/2010	11:56:45 a.m.
Stephen Becker	Reed Dempsey, Martin Ligare	9/29/2010	4:15:16 p.m.
John Dempsey	Shelley Dempsey	9/29/2010	4:16:07 p.m.
Stephen Becker	Wayne Bromfield, Reed Dempsey, Martin Ligare	9/29/2010	10:44:51 p.m.
John Dempsey	Shelley Dempsey	9/30/2010	6:33:16 a.m.
Stephen Becker	Ted Simon, Reed Dempsey, John Dempsey, Shelley Dempsey, Martin Ligare	9/30/2010	11:35:55 a.m.
Stephen Becker	Kari Conrad, Reed Dempsey, Martin Ligare	9/30/2010	7:37:28 p.m.
Stephen Becker	Martin Ligare, Reed Dempsey, John Dempsey, Shelley Dempsey	10/1/2010	4:17:22 p.m.
Stephen Becker	Martin Ligare, Reed Dempsey, John Dempsey, Shelley Dempsey, Ted Simon	10/1/2010	4:21:14 p.m.
Stephen Becker	Kari Conrad, Martin Ligare, Reed Dempsey	10/2/2010	11:20:35 a.m.
John Dempsey	Stephen Becker, Reed Dempsey, Martin Ligare, Shelley Dempsey, Ted Simon	10/3/2010	9:13:18 p.m.
Stephen Becker	Ted Simon, Reed Dempsey, Martin Ligare, John Dempsey, Shelley Dempsey	10/4/2010	3:05:00 p.m.
Stephen Becker	Ted Simon, Reed Dempsey, John Dempsey, Shelley Dempsey, Martin Ligare	10/4/2010	4:50:36 p.m.
Stephen Becker	Ted Simon, Reed Dempsey, Martin Ligare, John Dempsey, Shelley Dempsey	10/4/2010	6:13:49 p.m.
Ted Simon	Stephen Becker, Shelley Dempsey, Martin Ligare, Reed Dempsey, John	10/4/2010	9:41:52 p.m.

<u>Author</u>	<u>Recipients</u>	<u>Date</u>	<u>Time</u>
	Dempsey		
Shelley Dempsey	Ted Simon, Stephen Becker, Martin Ligare, Reed Dempsey, John Dempsey	10/5/2010	7:53:26 a.m.
Martin Ligare	Shelley Dempsey, Ted Simon, Stephen Becker, Reed Dempsey, John Dempsey	10/5/2010	8:43:36 a.m.
Stephen Becker	Michael Lowenstein, Ted Simon, John Ellison, John Dempsey, Jeremy Feinstein, Reed Dempsey, Martin Ligare, Shelley Dempsey	10/5/2010	10:29:44 a.m.
Ted Simon	John Dempsey, Stephen Becker, Shelley Dempsey, Reed Dempsey, Martin Ligare	10/6/2010	10:25:58 a.m.
Ted Simon	John Dempsey, Stephen Becker, Shelley Dempsey, Reed Dempsey, Martin Ligare	10/6/2010	10:36:42 a.m.
Ted Simon	John Dempsey, Stephen Becker, Shelley Dempsey, Reed Dempsey, Martin Ligare	10/6/2010	10:53:15 a.m.
Shelley Dempsey	Ted Simon, John Dempsey, Stephen Becker, Reed Dempsey, Martin Ligare	10/6/2010	12:05:38 p.m.
Shelley Dempsey	Ted Simon, John Dempsey, Stephen Becker, Reed Dempsey, Martin Ligare	10/6/2010	1:43:16 p.m.
Ted Simon	Shelley Dempsey, John Dempsey, Stephen Becker, Reed Dempsey, Martin Ligare	10/6/2010	2:03:52 p.m.
Shelley Dempsey	Ted Simon, John Dempsey, Stephen Becker, Reed Dempsey, Martin Ligare	10/7/2010	9:45:20 a.m.
Ted Simon	Shelley Dempsey, John Dempsey, Stephen Becker, Reed Dempsey, Martin Ligare	10/7/2010	10:21:17 a.m.
Ted Simon	Shelley Dempsey, John Dempsey, Stephen Becker, Reed Dempsey, Martin Ligare	10/7/2010	11:09:01 a.m.
Shelley Dempsey	Ted Simon, John Dempsey, Stephen Becker, Reed Dempsey, Martin Ligare	10/7/2010	11:09:34 a.m.
Ted Simon	Shelley Dempsey, John Dempsey, Stephen Becker, Reed Dempsey, Martin Ligare	10/7/2010	11:23:45 a.m.
Reed Dempsey	Kari Conrad, Stephen Becker, Martin Ligare	10/7/2010	11:46:40 a.m.
Stephen Becker	Michael Lowenstein, John Ellison, Jeremy Feinstein, Martin Ligare, Ted Simon, John Dempsey, Reed Dempsey, Shelley Dempsey	10/7/2010	11:46:46 p.m.
Ted Simon	Stephen Becker, Michael Lowenstein, John Ellison, Jeremy Feinstein, Martin Ligare, John Dempsey, Reed Dempsey, Shelley Dempsey	10/8/2010	1:08:38 a.m.
John Dempsey	Martin Ligare, Shelley Dempsey, Stephen Becker	10/8/2010	8:10:23 p.m.
Shelley Dempsey	John Dempsey, Martin Ligare, Stephen Becker	10/8/2010	8:24:22 p.m.
Martin Ligare	John Dempsey, Shelley Dempsey, Stephen Becker	10/9/2010	9:27:00 a.m.
Reed Dempsey	Kari Conrad, Stephen Becker	10/14/2010	10:48:10 a.m.
Reed Dempsey	Stephen Becker, John Dempsey, Shelley Dempsey	10/19/2010	3:40:30 p.m.

<u>Author</u>	<u>Recipients</u>	<u>Date</u>	<u>Time</u>
Stephen Becker	Ted Simon, Shelley Dempsey, John Dempsey	10/27/2010	11:15:21 p.m.
Shelley Dempsey	Stephen Becker, Ted Simon, John Dempsey, Martin Ligare	10/30/2010	1:40:25 p.m.
Stephen Becker	Shelley Dempsey, Ted Simon, John Dempsey, Martin Ligare	10/30/2010	1:53:41 p.m.
Martin Ligare	Reed Dempsey, Shelley Dempsey, John Dempsey, Ted Simon, Stephen Becker	10/30/2010	2:01:47 p.m.
John Dempsey	Matt Mason	11/9/2010	3:08:25 p.m.
John Dempsey	Stephen Becker, Ted Simon	11/9/2010	4:27:28 p.m.
Stephen Becker	Reed Dempsey, Ted Simon, John Dempsey, Shelley Dempsey, Martin Ligare	12/1/2010	12:11:31 p.m.
Reed Dempsey	Stephen Becker, Ted Simon, Shelley Dempsey, John Dempsey	12/2/2010	10:23:31 a.m.
John Dempsey	Jameson Dempsey	12/2/2010	10:42:31 a.m.
Stephen Becker	Reed Dempsey, Martin Ligare, Ted Simon, Shelley Dempsey, John Dempsey	12/3/2010	11:25:18 p.m.
Reed Dempsey	Stephen Becker, John Dempsey	12/3/2010	6:37:12 p.m.
John Dempsey	Jameson Dempsey	12/3/2010	6:50:30 p.m.
John Dempsey	Martin Ligare, Stephen Becker, Reed Dempsey, Shelley Dempsey	12/6/2010	9:49:33 a.m.
Shelley Dempsey	Martin Ligare	12/7/2010	10:14:11 a.m.
Shelley Dempsey	John Dempsey	8/21/2011	4:42:11 p.m.
John Dempsey	Jameson Dempsey, Matthew Dempsey, Connor Dempsey, Linda Roberto, Barbara Dempsey	9/7/2011	3:23:07 p.m.
John Dempsey	Jameson Dempsey	2/10/2012	9:43:38 a.m.